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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,330	04/13/2006	Kai-Uwe Dudziak	095309.57220US	6772

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EXAMINER

JONES, DAVID B

ART UNIT	PAPER NUMBER
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3725

MAIL DATE	DELIVERY MODE
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08/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,330	Applicant(s) DUDZIAK ET AL.	
	Examiner David B. Jones	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-26 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/30/2005</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 8-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. In claims 8-15 applicant is claiming a tube piece and the intermediate or preform or amount of expansion is given no patentable weight. The limitations describing the finished product is compared against the prior art for patentability, hence ratios between the blank and the finished product showing a degree of expansion are given no consideration in the article and apparatus claims. Further the apparatus claims, claims 16-23 are considered for the structure of the apparatus and not the ratios of between the blank and the finished product showing a degree of expansion. Further with respect to claim 8, "the component in the bending plane", line 9, lacks antecedent basis. In claim 16, "the production cross section" line 6 lacks antecedent basis. Regarding claim 24, "pushing rams" lacks positive recitation and location. Further "outlet zone regions", line 4 of claim 24, has not been defined or positively recited. On line 5 of claim 24, " a bending plane" has not been defined and renders the claim indefinite. Further in line 5/6, "the region of the bend zone" lacks antecedent basis. On line 6 of claim 24, "the direction at right angles to the bending plane" lacks antecedent basis. On line 7 of claim 24, "the region of the bend zone" lacks antecedent basis. Finally on line 8/9 of claim 24,

Art Unit: 3725

“the ratio of the tube piece blank diameter A” and “the desired tube piece blank diameter” lack antecedent basis.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobs 5561902. Regarding claims 8-15, Jacobs teaches the claimed invention (Figs. 6A-6F) including a bend zone (generally in the center of Figs. 6A, 6C, and 6E) and two outlet zones on either side thereof where the rams 308 join the tube. The bend zone has a different cross-sectional shape from the outlet zones (see Fig. 6B and 6F). The method of forming the tube or the ratios of expansion are given no patentable weight; only the article limitations of the finished product are compared to that of the prior art. Regarding claims 16-23, Jacobs teaches dies 302 and 304 with a recess for forming the bend zone and the two adjoining outlet zones and the bend zone having a different cross-section than the outlet zones.

3. Claims 8-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamano et al. '119. Regarding claims 8-15, Hamano teaches the claimed invention (Fig. 1B) including a bend zone (generally in the center at 4) and two outlet zones on either side thereof where the rams 5/6 join the tube. The bend zone has a different cross-sectional shape from the outlet zones (see Fig. 4). The method of forming the tube or the ratios of expansion are given no patentable weight; only the article

limitations of the finished product are compared to that of the prior art. Regarding claims 16-23, Hamano teaches dies 21 and 22 with a recess for forming the bend zone and the two adjoining outlet zones and the bend zone having a different cross-section than the outlet zones.

4. Claims 8-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Ekholm '810. Regarding claims 8-15, Ekholm teaches the claimed invention (Fig. 2) including a bend zone (generally in the center at 40) and two outlet zones on either side thereof where the rams 56 join the tube. The bend zone has a different cross-sectional shape from the outlet zones off center with respect to the outlet zones. The method of forming the tube or the ratios of expansion are given no patentable weight; only the article limitations of the finished product are compared to that of the prior art. Regarding claims 16-23, Ekholm teaches dies 26 (24/28) with a recess for forming the bend zone and the two adjoining outlet zones and the bend zone having a different cross-section than the outlet zones.

5. Claims 24-26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

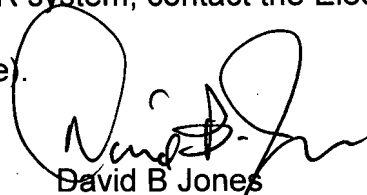
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Jones whose telephone number is 571 272 4518.

Art Unit: 3725

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks Derris, can be reached at 571 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "David B Jones", is written over a circular stamp area.

David B Jones
Primary Examiner
Art Unit 3725